

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

**ERICK WOODS
2115 Preston Rd.
Eau Claire, WI 54703**

COMPLAINT

Plaintiff

v.

**ADAM RESNICK
2009 N. Elco Rd.
Fall Creek, WI 54742**

Case No. 09 CV 392

And

**F & I Source, LLC
2115 Preston Rd.
Eau Claire, WI 54703**

Defendants.

Plaintiff, Erick Woods, by and through his attorneys, Bakke Norman, S.C., by Peter M. Reinhardt, states and complains as follows:

PARTIES

1. Plaintiff, Erick Woods, is an adult individual of the State of Wisconsin and resides at 2115 Preston Rd., Eau Claire, WI 54703.
2. Defendant, F&I Source, LLC, is a Domestic Limited Liability Company organized under the laws of the State of Wisconsin. It was formed on January 6, 2004. Its registered agent is Erick Woods and its principal place of business is 2115 Preston Rd., Eau Claire, WI 54703.
3. Defendant, Adam Resnick, is an adult individual of the State of Wisconsin and resides at 2009 N. Elco Rd., Fall Creek, WI 54742.

4. Plaintiff Woods and Defendant Resnick are the two members of F&I Source, LLC. They each own 50% of the Limited Liability Company.

5. F&I Source, LLC, is in the business of licensing a computer software system, referred to herein as the "Dealer Finance System," to Automobile Dealerships or Agents who deal with Automobile Dealerships, for a licensing/royalty fee.

6. The Source Code for the Dealer Finance System was authored, exclusively, by Plaintiff Woods. He authored the Source Code for the Dealer Finance System in 2002 and 2003, prior to the formation of F&I Source, LLC. Since that time, Plaintiff Woods has allowed Defendant F&I Source, LLC, to use the Source Code on an at-will basis.

NATURE OF ACTION

7. This is a civil action seeking a declaratory judgment that Plaintiff Woods owns the copyrights in the Source Code for the Dealer Finance System.

JURISDICTION & VENUE

8. Jurisdiction in this Court is proper as the case presents a federal question and controversy, pursuant to 28 U.S.C. § 1331 and 1338(a). This Court also has jurisdiction under the Declaratory Judgment Act, 28 U.S.C. §2201.

9. Venue in the Western District of Wisconsin is appropriate because the conduct giving rise to Plaintiff's claim occurred in this District, pursuant to 28 U.S.C. § 1391(b)(2).

FIRST CLAIM: DECLARATORY JUDGMENT REGARDING OWNERSHIP OF COPYRIGHT

10. The Source Code for the Dealer Finance System is an original work subject to the protections of the United States Copyright Code, 17 U.S.C. §101 et. seq.

11. A dispute has arisen regarding the ownership of the copyrights in the Source Code for the Dealer Finance System.

12. Plaintiff Woods claims he is the sole and exclusive owner of the copyrights in the

Source Code for the Dealer Finance System pursuant to 17 U.S.C. §201(a).

13. Defendant Resnick claims that the Dealer Finance System is a “joint work” within the meaning of the Copyright Code and, therefore, that he is a co-owner of the copyrights in the Source Code.

14. Alternatively, Defendant Resnick claims that Source Code was a work made for hire and, as a result, the copyrights in the Source Code are owned, in whole or in part, by F&I Source, LLC, and are an asset of the business.

WHEREFORE, Plaintiff Woods respectfully requests the following:

A. A declaratory judgment that Plaintiff Woods is the sole and exclusive owner of the copyrights in the Source Code for the Dealer Finance System;

B. A declaratory judgment that Defendant Resnick is not a joint author of the Source Code for the Dealer Finance System;

C. A declaratory judgment that the Source Code for the Dealer Finance System is not a “work made for hire” within the meaning of the Copyright Code, 17 U.S.C. § 101;

D. A declaratory judgment that Defendant Resnick and F&I Source, LLC, do not have any ownership interest in the copyrights for the Source Code for the Dealer Finance System; and

E. Any such other further relief as the Court deems just and equitable.

Dated: June 19, 2009

BAKKE NORMAN, S.C.

By: 

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